

Amendments to the Claims

This listing of the claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

- 1 1. (original) An apparatus for encoding a mark into digital data, comprising:
 - 2 means for locating in the digital data, using a predetermined pattern, at least two values
 - 3 that represents a flat area; and
 - 4 means for modifying the values in the flat area to encode a mark into the flat area;
 - 5 wherein the means for locating in the digital data is further comprised of:
 - 6 means for calculating a variability for a selected portion of the digital data using the
 - 7 predetermined pattern; and
 - 8 means for representing the flat area when the variability is less than a predetermined
 - 9 amount;
 - 10 wherein the apparatus for encoding is part of a device receiving an unencoded data to
 - 11 create the digital data; and
 - 12 wherein the apparatus for encoding is part of the device using the values in the flat area to
 - 13 create an encoded data.
- 1 2. (currently amended) The apparatus of claim 1, wherein the predetermined pattern is a
- 2 regular pattern.
- 1 3. (currently amended) The apparatus of claim 1, wherein the predetermined pattern is
- 2 an irregular pattern.
- 1 4. (currently amended) The apparatus of claim 1, wherein the predetermined pattern
- 2 identifies a consecutive set of values.
- 1 5. (currently amended) The apparatus of claim 1, wherein the means for modifying the
- 2 values is further comprised of:
 - 3 means for modifying the values according to a recognizable amount.

1 6. (currently amended) The apparatus of Claim ~~119~~5, wherein the means for modifying the
2 values is further comprised of:

3 means for adding the recognizable amount to the values.

1 7. (currently amended) The apparatus of claim ~~119~~5, wherein the means for modifying the
2 values is further comprised of:

3 means for subtracting the recognizable amount from the values.

1 8. (currently amended) The apparatus of claim ~~119~~5, further comprising the means for
2 computing the recognizable amount includes:

3 a means for calculating a function of the variability in the flat area.

1 9. (currently amended) The apparatus of claim ~~122~~8, wherein the means for computing the
2 recognizable amount is further comprised of:

3 means for computing the recognizable amount as a multiple of the variability in the flat
4 area.

1 10. (currently amended) The apparatus of claim ~~119~~5, further comprising:

2 means for modifying the values in the flat area to provide at least one known peak in the
3 flat area.

1 11. (currently amended) The apparatus of claim ~~115~~1, wherein the means for modifying the
2 values is further comprised of:

3 means for modifying at least two of the values in the digital data to represent a single
4 mark value in the flat area.

1 12. (currently amended) The apparatus of claim ~~115~~1, further comprising:

2 means for locating in the digital data, using a predetermined pattern, at least two values
3 that represents a second flat area; and

4 means for modifying the values in the second flat area to encode the mark into the second
5 flat area.

1 13. (currently amended) The apparatus of claim ~~115~~1, further comprising:

2 means for converting the format of the digital data.

1 14. (currently amended) The apparatus of Claim ~~115~~1, at least one of the means is
2 implemented using a computer accessing a memory.

1 15. (currently amended) The apparatus of Claim ~~115~~1, wherein the device is included in a
2 computer receiving the unencoded data.

1 16. (currently amended) The apparatus of Claim ~~115~~1, wherein the device communicates
2 with a processor within a computer to create the encoded data within the computer.

1 17. (currently amended) The apparatus of claim ~~115~~1, wherein the predetermined pattern is
2 one dimensional.

1 18. (currently amended) The apparatus of claim ~~115~~1, wherein the predetermined pattern is
2 two dimensional.

1 19. (currently amended) The method of claim ~~115~~1, wherein the predetermined pattern is
2 three dimensional.